

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

FILED BY SJ D.C.  
05 SEP 14 AM 8:32  
THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TN, JACKSON

SANDRA K. WEBB, ET AL.,

Plaintiffs,

VS.

STATE OF TENNESSEE,

Defendant.

No. 05-1188-T/An

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ORDER DIRECTING PLAINTIFFS TO FILE PROPERLY COMPLETED  
*IN FORMA PAUPERIS* AFFIDAVITS OR PAY THE CIVIL FILING FEE

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Plaintiffs Sandra K. Webb and Tabitha N. Webb filed a declaratory judgment action pursuant to 28 U.S.C. § 2201 on July 5, 2005, along with *in forma pauperis* affidavits.

Federal law provides that the “clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise, to pay a filing fee of” \$250. 28 U.S.C. § 1914(a).<sup>1</sup> To ensure access to the courts, however, 28 U.S.C. § 1915(a) permits an indigent plaintiff to avoid payment of filing fees by filing an *in forma pauperis* affidavit. Under that section, the Court must conduct a satisfactory inquiry into the plaintiff’s ability to pay the filing fee and prosecute the lawsuit. A plaintiff seeking *in forma pauperis* standing must respond fully to the questions on the Court’s *in forma pauperis* form and execute the affidavit in compliance with the certification requirements contained in 28 U.S.C. § 1746. See, e.g., Reynolds v. Federal Bur. of Prisons, 30 Fed. Appx. 574 (6th Cir. Mar. 11, 2002);

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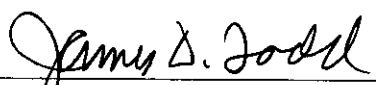
<sup>1</sup> Effective March 7, 2005, the civil filing fee was increased from \$150 to \$250.

Brogue v. Fort Knox Fed. Credit Union, No. 86-1896, 1997 WL 242043 (6th Cir. May 8, 1997).

Plaintiffs' motion to proceed *in forma pauperis* does not adequately document their monthly income, assets, and financial obligations. In particular, plaintiff Tabitha N. Webb has stated that she has no income or assets and is solely supported by plaintiff Sandra K. Webb. The affidavit submitted by Sandra K. Webb provides no information about the means by which she is supporting herself and her daughter and no information concerning her monthly expenses. The information provided by plaintiff Sandra K. Webb is, therefore, insufficient to permit the Court to conclude that she is indigent and unable to pay the filing fee or to give security therefor.

Accordingly, plaintiff Sandra K. Webb is ORDERED, within thirty (30) days of the date of entry of this order, either to pay the \$250 civil filing fee or to file a properly completed *in forma pauperis* affidavit that is executed in compliance with 28 U.S.C. § 1746. The Clerk is ORDERED to send plaintiff Sandra K. Webb another copy of the nonprisoner *in forma pauperis* affidavit along with this order. Failure to timely comply with this order will result in dismissal of this action, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute.

IT IS SO ORDERED this 13<sup>th</sup> day of September, 2005.

  
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JAMES D. TODD  
UNITED STATES DISTRICT JUDGE



# Notice of Distribution

This notice confirms a copy of the document docketed as number 9 in case 1:05-CV-01188 was distributed by fax, mail, or direct printing on September 14, 2005 to the parties listed.

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Sandra K. Webb  
PO Box 1451  
Jackson, TN 38302

Tabitha N. Webb  
PO Box 1451  
Jackson, TN 38302

Honorable James Todd  
US DISTRICT COURT